

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONNA L. HAMMOND,

v.  
Plaintiff,

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. C16-6018 BHS

## ORDER ADOPTING REPORT AND RECOMMENDATION

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. 20), and Plaintiff Donna Hammond’s (“Hammond”) objections to the R&R (Dkt. 21).

On August 10, 2017, Judge Theiler issued the R&R recommending that the Court affirm the Administrative Law Judge’s (“ALJ”) denial of Hammond’s application for benefits. Dkt. 20. On August 14, 2017, Hammond filed objections, and the Government responded. Dkts. 21, 22.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3       In this case, Hammond objects to Judge Theiler's consideration of the medical  
4 evidence. Dkt. 21. In almost every case there are competing medical opinions and  
5 assessments forcing an ALJ to accept some opinions and reject others. This is one of  
6 those cases. The Court has reviewed the ALJ's decision and the R&R and finds that the  
7 ALJ gave adequate explanations for assigning different weights to different opinions.  
8 Similarly, Judge Theiler provides a thorough discussion of these issues, and Hammond  
9 fails to show any error in the R&R. Therefore, the Court having considered the R&R,  
10 Hammond's objections, and the remaining record, does hereby find and order as follows:

- 11       (1)    The R&R is **ADOPTED**;
- 12       (2)    The ALJ's decision is **AFFIRMED**; and
- 13       (3)    The Clerk shall enter **JUDGMENT** in favor of Defendant and close this  
14       case.

15       Dated this 10th day of October, 2017.

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BENJAMIN H. SETTLE  
United States District Judge